

MINUTES
TRIBAL/FOREST SERVICE ANNUAL MEETING
SANDY LAKE, MINNESOTA
SEPTEMBER 30, 2009
1:00 P.M. TO 4:30 P.M.

I. OPENING DRUM/PIPE

The meeting began with a drum and pipe ceremony. Jason Stark presented a history on the drum. Gerald DePerry presented a history on the pipe. Leo LeFornier thanked the drummers and explained the significance of the tobacco and sage and offered a prayer of thanks to the Creator for all He gives us and asked for guidance in helping us work through the agenda. A prayer for Matt O'Claire (passing Voigt Task Force Member) was said.

Gerald DePerry provided a history of the Sandy Lake tragedy and the significance of the events that took place here. The tribes have been honoring the people that lost their lives and it is hoped that others recognize and understand the meaning of the ceremony and the connections this special place has for the tribes.

II. WELCOME AND INTRODUCTIONS

The meeting began with introductions of participants (see list of attendees below).

Attendance:

Voigt Intertribal Task Force: Mic Isham (LCO), Leo LaFornier (Red Cliff), Ervin Soulier (Bad River), Chris McGeshick (Mole Lake)

GLIFWC: Jonathan Gilbert, Ann McCammon Soltis, Fred Maulson, Heather Naigus, Jason Stark, Neil Kmiecik, Jim Thannum, Gerald DePerry, Dan North, Robin Arunagiri

John Cooksey. Special guests: Miranda Maulson and Frederick Maulson

USFS: Peter Roehrs (Patrol Captain, WI), Lisa Radosevich-Craig (Tribal Coordinator, Superior NF), Susan Spear (Ottawa NF), Randy Charles (Ottawa NF), Jeanne Higgins (CENN), Tony Erba (CENN), Tom Schmidt (Hiawatha NF) Larry Heady (Regional Tribal Coordinator), Bernice Willis (Regional Office), Geoff Chandler (CENN), Mary Rasmussen (Ottawa/Hiawatha/CENN's Tribal Liaison), Marla Emery (Northern Research Station), Mark Hansen (FIA)

III. APPROVAL OF AGENDA

No additions to the agenda. During open discussion participants want to review Forest Plan Revision (tie to Planning Rule); Bad River watershed association membership; potential for local projects and Tribal consultation; and the Great Lakes Restoration Initiative (GLRI).

IV. OPENING REMARKS FROM TRIBAL AND FOREST SERVICE REPRESENTATIVES

Forest Service Opening Comments, Susan Spear (Forest Supervisor, ONF): Congratulations on GLIFWC's 25th Anniversary! The staff is to be commended for all of their hard work in planning venues and events throughout the summer. Recognize the hard work and efforts of the work of the Voigt Task Force and their work in ensuring tribal treaty rights are recognized. Thanks were also expressed for GLIFWC's other hard work, including Camp Nesbit Weekend event with tribal children. Sue also discussed new FS Chief and new Regional Tribal Liaison. A gift from the Forest Service was presented to tribal members.

Voigt Task Force Opening Comments, Mic Isham (Voigt Chair): A special thanks to those who have worked with the Task Force throughout the year. The MOU that we created has been used as an example of how we can work together—we have created a noteworthy relationship.

GLIFWC Opening Comments, Ann McCammon-Soltis: Jim Zorn will be unable to participate with us today, but would like to extend his appreciation to the FS for participating in GLIFWC's 25th Anniversary events. Again, recognition was made to the uniqueness of our MOU and the benefits of working together.

Voigt Task Force Opening comments, Leo LeFornier (Red Cliff): The benefits of having an MOU have helped us address problems locally and avoid some issues by working through our processes with our Wardens and tribal members and Forest Service personnel. Problems can be resolved quickly and at the lowest level.

V. MEETING MINUTES

- a. 2008 Annual Meeting minutes have been approved. A copy has been provided. 2009 Annual Meeting minutes are being taken by the Forest Service. Draft minutes will be available for review at the December Voigt Task Force meeting. A final copy will be provided early 2010.

VI. REVIEW AND DISCUSSION OF SPECIFIC AGREEMENTS TO IMPLEMENT THE GOVERNMENT-TO-Government Relationship Between the MOU Tribes and the Forest Service (MOU Section VI)

a. **MOU Administration and Implementation (MOU Section VI.A)**

- i. ***Public Comments Received by Forest Service Prior to Annual Meeting.*** No public comments have been received.
- ii. ***Identification of Funding for Infrastructure Enhancement.*** A Great Lakes Restoration Initiative Funding Guide was provided in participant packages. There are templates for interagency agreements and a list of agencies to contact. There are two ways that funding will be provided through the GLRI: part of the funding will go to federal agencies and part of the funding will be available for grants. (Ann McCammon-Soltis)

Is there a way we can work together to develop a list of potential projects so when funding becomes available (under whatever form) we will be ready to respond and won't miss out on potential funding. (Jeanne Higgins)

S&PF will be managing the EPA grants funding for the Forest Service. (NOTE: S&PF works on private and non-federal lands. Need to determine who can apply for projects and where the work must occur. What funding are tribes eligible for under this initiative?). Projects come in a broad array of types and could go to state or local entities. May need to be creative in how we propose projects. Need to make some contacts to determine how the program will be administered. (Group Discussion)

The FS identified some projects under a very tight timeframe for federal funding, which are still being reviewed. The land base for these projects needed to be identified during the proposal process. For the CNNF: non-native invasive work; terrestrial habitat improvement projects; and watershed improvement projects (e.g., stream crossings). (Geoff Chandler)

Tribes would like to see the final list of projects under both funding streams. EPA will make the final determination on funding of projects. Tribes are interested in opportunities for some collaboration and joint project proposal for the EPA grant funding opportunities. Projects proposed by the FS for 2010 were broad. The projects that were proposed by the FS are different than the types of projects that may be submitted by other agencies. Did the FS "bundle" any projects with other agencies? GLIFWC is looking at opportunities to submit proposals to EPA. Projects that encompass more than one agency, group, tribe would be appealing and perhaps have a better chance for funding. (Group Discussion)

ACTION: Contact local Forest Service office on specific project proposals and touch base with S&PF to determine eligibility for other projects. Local projects can be discussed locally; large scale projects that include more than one agency and cover a large land area need to be coordinated on a broader scale (working with Mary Rasmussen and Geoff Chandler to coordinate these types of efforts).

FOLLOW UP: Like the idea of creating a list of projects for future funding opportunities so we are able to respond quickly. (NOTE: Need to be aware of the role of GLIFWC and how they work with tribes). (Jonathan Gilbert)

AGREEMENT: Create a small group to look at creating a list of projects for future funding opportunities: Suggested participants, Randy Charles (ONF), Ellen Lesch (ONF), Holly Jennings (ONF), Bob Brenner (ONF (CNNF), Dale Higgins

(CNNF),); Mary Rasmussen (Tribal Liaison), Dan Eklund (CNNF), Linda Parker Jonathan Gilbert (GLIFWC), and Mark Theisen.

FOLLOW UP: Will follow up as appropriate to learn more about the rules, process, etc. FS will provide list of projects submitted to GLIFWC and Voigt (Geoff Chandler)

b. Law Enforcement (MOU Section VI.E)

Law Enforcement Update, Fred Maulson (GLIFWC), Bernice Willis (FS), Peter Roehrs (FS): Follow up on bough gathering. This summer FS experienced vandalism/theft of fee tubes—worked with GLIFWC wardens to address issue; ATV patrols identified some violations, again working with the FS able to bring some closure to issues; camping issues were resolved through good communication and working together (there is some difficulty with camping permits, proposal to address this at a future meeting).

Discussed communications between FS and GLIFWC wardens. Education has been a prime focus for wardens (especially at Black River Harbor, ONF). Both groups will continue to look at ways to improve communications—providing necessary information for both parties to identify potential violations, meeting together, open communications. Look at opportunities to help tribal members understand the different jurisdictions (State, County, Federal).

Vandalism of LVD rice beds. How can we work together to address this? GLIFWC is working on this with the FS (Fred Maulson). This is an ongoing issue we are working to address.

Camp Nesbit Weekend, Fred Maulson, Heather Naigus, Dan North, Robin Arunagiri, and special guests Miranda Maulson and Frederick Maulson.

Presentation on a weekend environmental education camp for tribal children in cooperation with the Ottawa National Forest, Lake Nesbit Organizational Camp (June 19-21, 2009). What we are doing here is for the next generation—it's part of our job. Miranda Maulson and Frederick Maulson introduced themselves and talked about their experience at Camp Nesbit. Camp flags that were prepared by the different clans at camp were shared with the group. Learning, individual growth, and new experiences presented at the camp are very important for our young men and women. Archery, fishing, GPS and orienteering, swimming, natural resource programs, and camp fire activities rounded out the events. Plans are underway for another event next summer.

c. Monitoring and Evaluation (MOU Section VI.D)

i. Northern Research Station/GLIFWC Staff Report, Marla Emery, Research

NOTE: See briefing paper included in meeting package. Discussions included: merger of Research Stations; 2009 Research projects; climate change. Selected items (requested comments and feedback):

Native Tree Species. Partnership between multiple parties to restore *American elm*. Approximately 600 trees planted on the Chippewa NF in 2009, 400 additional trees in 2010. Twelve trees supplied to the Bad River Reservation to test for cold heartiness. *Butternut* seed collection from 300 different locations throughout the Midwest. Looking at continuing/expanding research.

Emerald Ash Borer. Two projects involved in collecting ash seed (as many locations and species as possible) and will be creating a publication on how to collect ash seeds. Looking at potential control methods to ensure an ash population in the future. Working with tribal elders to understand the cultural and traditional uses of ash.

FOLLOW UP DISCUSSION: Are there any ash trees left in an area once EAB has gone through? Is there any additional research occurring?

Wildlife Conservation. Looking at wildlife conservation on a large scale (vs. local).

FOLLOW UP DISCUSSION: Is the Forest Service looking at all at the Elk populations? Rocky Mountain Region may be doing research which would be shared with the rest of the agency. The state may be doing some of this research. Research tends to look at large scale affects vs. localized or site-specific wildlife research.

FOLLOW UP DISCUSSION: Since earthworms are exotic to this area, is Research doing any work related to the impacts to the soils? University of Minnesota may be doing some research on this. Very surprising to see the impacts of the earthworm.

Use of Fire. Looking at use of fire historically and the importance of fire in the landscape. Tie Native American learning and science in use of fire. Science learning network formed (contact Jeanne Higgins for additional information and becoming a part of this forum).

Bioenergy. Harvesting of forest residues and looking at the impact to forest soils when removing woody biomass. 2008 publication on bio-fuels and bio-energy is available.

FOLLOW UP DISCUSSION: When was the research started on biomass harvest (Mic)? Research has just begun. Want to use data to help inform us and the State as we complete our work in assessments and monitoring based on State guidelines (Jeanne). Are we behind the 8-ball on this since bio-energy harvesting is already occurring (Mic)? What guidelines are the Forest Service utilizing (Ann)? We are currently using Wisconsin guidelines when appropriate (Jeanne). Have identified the need for continued dialogue on this topic.

Calculating Forest Carbon. Research has created a suite of tools for calculating and reporting carbon stored in forests. Most are designed for ease of reporting to programs that feed into emerging carbon markets. (*See meeting notes for descriptions of tools available*)

Forest Inventory and Analysis. Research currently provides information/statistics from research completed on each state. Should we consider doing something for ceded territories (Jonathan)? Jonathan indicated that he would be discussing this suggestion with the Voigt Task Force and may make a more formal request to the Forest Service in the future.

ii. GLIFWC Coop Projects, Jonathan Gilbert, GLIFWC

Marten Restoration Work. Work on this began in the 1990's. Dan Eklund has been a strong supporter of this project. Capturing pine marten in Minnesota and bringing them to Wisconsin to augment the local populations. Plan is to release 30 martens annually over the next 3 years. A "soft release" program has been implemented to acclimate martens prior to release. 26 martens were recently released. Have captured 16 marten this year—this will be a "hard release" due to the stress that caging martens caused last year. Adapting the program to make it better as we learn more.

Graduate Students and Studies. Studying trends for relocated and resident animals (martens). Also looking at relationship between martens and fishers and marten use sites.

FOLLOW UP DISCUSSION: Any plans on looking at the relationship between martens and porcupines (Erv)? The focus is on fishers since they prey on porcupines. Have noticed a changing dynamic in fishers and an increase in porcupines (Jonathan).

d. Natural Resource Harvest Management (MOU Section VI.C)

i. Harvest Monitoring and Exchange of Harvest Data

Tribal Harvest, Jonathan Gilbert, GLIFWC: (NOTE: See report in package completed by Karen Danielson. Recognized Karen's illness and all of her hard work over the past years). Report focuses on number of people who have obtained permits and compares that to previous years to identify trends. Wardens use reports to see where activity is occurring. General gathering permit is free and easy to get. Permit holder needs to identify where they are gathering and the product they are gathering. Most times all products are checked in case an opportunity arises to gather, but the location is clearly identified.

Non-Tribal Harvest, Mary Rasmussen, Tribal Liaison. (NOTE: See report in package). Trend in fuel wood increasing (perhaps due to cost of heating). Bough gathering on the Ottawa and Hiawatha is higher than the CNNF due to availability. Have we determined what the decrease in Christmas Tree permits in 2006 was attributed to (Mark)? Perhaps the CE ruling?

FOLLOW UP DISCUSSION: Can we include bio-mass harvesting in the future (Mic)? Currently we are estimating the amount of bio-mass removed from a timber sale, as not all timber sale purchasers remove all bio-mass, but maybe only a portion. Currently we do not have bio-mass harvesting contracts, it is typically a by-product or only a small portion of a larger timber sale. This is a very difficult topic to get a handle on—hard to track what purchasers are doing with the woody bio-mass being removed. The bigger concern is what is left on the ground vs. what the woody bio-mass is being used for. Perhaps we can quantify the numbers of acres affected vs. tons removed? Is the removal of bio-mass being analyzed in public scoping as we prepare vegetation management projects. Standards establish where we can allow for removal of bio-mass and where it must remain. We need to keep our “fingers on the pulse” of this to address concerns of the Tribes and identify trends. Need to document this activity in our annual MOU meeting reports.

ACTION: Capture amount of bio-mass removed from the National Forests and share at next MOU meeting.

Research on bio-mass is occurring, need to be sure we share information that is being gathered and what it means. We will be monitoring our implementation of the guidelines and can share that information, too.

ii. **Campground Fee and Length of Stay Exemption Agreement and Implemenation Plan**

Review of Annual Report, Mary Rasmussen, Tribal Liaison. (NOTE: See report in package). Slight fluctuation in overall issuance of permits and slight shift in use of campgrounds. Length of stay also fluctuates.

Generally, things seem to be going very well, but would like to look at design of permit and information on permit to make them more helpful to GLIFWC wardens if they need to follow up on anything. Pre-work with working group to brainstorm ideas prior to bringing a proposal to Voigt. Mary Rasmussen will coordinate. Public education and outreach is our most valuable tool.

e. Technical Working Group (TWG) Report (MOU Section VI.A)

Birch Bark Availability, Jonathan Gilbert, GLIFWC. Update on GLIFWC and Northern Research to conduct an evaluation and provide recommendations to the USFS and tribes about how birch bark monitoring and data could continue to be in FIA data collection. Previously created a guidebook that identifies the attributes of what birch bark characteristics are sought out as part of cultural and traditional uses. In 2006 the survey of birch bark was discontinued. The tribes and FS asked the TWG to make a recommendation on whether we need to continue work related to this issue and if so, how.

TWG identified the types of information and reports that they can provide. This includes: a status report, using traditional ecological knowledge as a basis for targeted forest inventories, management guidelines for management, and modeling the relationship between birch bark characteristics and site conditions. *(NOTE: Potential project for list of future grant opportunities? See GLRI topic above)*

f. National Forest Planning and Decision-Making (MOU Section VI.B)

Emerald Ash Borer Update, Mary Rasmussen, Tribal Liaison. (NOTE: See report in package) **CNNF Response Strategy:** Preparing for EAB and what we will do when it gets here. Bad River has received funding to develop a response strategy—will look to the FS for some technical support. We cannot afford to approach the discovery of EAB as lower Michigan did. **Hiawatha NF Update:** Newest find is 4 years old. Our best hope is to slow the spread until we learn more.

Regional/National Issues Update, Larry Heady, Regional Tribal Liaison. Role of Regional Tribal Liaison is to keep tribal issues in the forefront at the Regional level.

Special forest products update. Gone back for a major re-write of proposed rule based on comments received during public scoping process. Anticipate it will be awhile before we hear more on this topic.

Farm Bill update. Several provisions in the Farm Bill that relate directly to tribal issues (process/policy to be developed—FS to create implementing procedures). These include: burial of human remains repatriated to the tribe and authority to bury on the NFS lands; temporary closure for traditional and cultural purposes (who determines what constitutes a traditional ceremony?); free use of forest

products for traditional and cultural purposes; prohibition on disclosure; severability and savings provision.

FOLLOW UP DISCUSSION: As FS creates implementation procedures, we want to be sure that the policy complements the MOU implementation and relationships we have built.

Consultation. What constitutes consultation? Tribal perspective is different than what FS perspective may be. Can we do a session with each other to bring this discussion to fruition?

ACTION: Mary Rasmussen to coordinate with Jason Stark on pulling together a one-day seminar.

Community Forest and Open Space Conservation Program. Authorizes the FS to provide financial assistance grants to local government (S&PF), tribal governments, and nonprofit entities to establish community forests that provide continuing and accessible community benefits.

ACTION: Provide copy of the program overview to Ann McCammon-Soltis. Ann will disseminate information to Tribes.

g. **MOU Amendments, Regulatory Changes, and Self-Regulation Agreement Changes (MOU Section VI.F)**

None proposed.

VII. REQUIRED NOTICES/PARTIES' DESIGNATED REPRESENTATIVES

New contact information contained in package. Can we add/do we want to add e-mail addresses? Ann will follow up with available email addresses for Voigt Task Force representatives.

VIII. ADDITIONAL DISCUSSION ITEMS

Forest Plans. Hiawatha, Ottawa and CNNF Forest Plans are not affected by latest challenge to Planning Regulations.

Tree Planting Program. Not a Forest Service program, but tied to re-planting on farm lands.

Climate Change Technical Support. CNNF will be hosting a workshop later this year (Shared Landscapes Workshop) and will include tribes. Talk about the state of research, work done to date, opportunities to work together and learn more. Can we identify what services the FS can supply the tribes to deal with climate change (Erv)? BIA, DOI, USGS have programs, services available (or are in the process of developing them).

Potential for Wildfire due to Previous Suppression Activities and Climate Change. The CNNF is doing a vulnerability assessment to help us answer these types of questions. This will be discussed at the Shared Landscapes Workshop—latter part of February. Looking at research and trends information to help answer these questions. Tap into tribes' traditional and historical knowledge of benefits of burning.

FOLLOW UP: Get contact information to tribes for Tribal Services Climate Change Services coordinator (Larry Heady to learn more).

FOLLOW UP: Look at potential of getting a representative at S&PF at future meetings.